

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAVID STARKS-EL, #05042808)	
)	
V.)	3-05-MC-0080-R
)	
LUPA VALDEZ)	

FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pursuant to the provisions of 28 U.S.C. §636(b), and an order of the District Court in implementation thereof, the subject cause has previously been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge, as evidenced by his signature thereto, are as follows:

FINDINGS AND CONCLUSIONS:

On this date came on to be considered Movant David Starks-El's Application for Leave to File his proposed pleadings submitted on the standard form for a petition for writ of habeas corpus by a person in state custody.

Previously Movant was sanctioned by the United States District Court for the Eastern District of Texas on August 4, 1995, which in pertinent part ordered that he not file any further complaints or petitions in that court without leave of court. Thereafter on March 16, 2005, a judge of this court honored and enforced the sanctions imposed by the federal court in the Eastern District of Texas and entered a judgment which in pertinent part ordered that the Clerk accept no future action submitted by Mr. Starks-El unless he demonstrates that he has sought and received leave to file such action. See Starks-El v. Lupa Valdez, et al, No. 3-05-CV-181-D.

In compliance with the terms of the judgment in No. 3-05-CV-181-D, Starks-El submitted his application for leave to file. The motion is wholly without merit. Moreover, the lack of merit is buttressed by his proposed accompanying pleadings which in fact seek monetary damages against the State of Texas, the United States Congress and the President of the United States (See pleading at page 9). Such claims are not cognizable and are wholly frivolous.

RECOMMENDATION:

It is recommended that the District Court deny Movant's Application for Leave to File.

A copy of this recommendation shall be transmitted to Movant.

SIGNED this 20th day of July, 2005.

A handwritten signature in dark ink, reading "Wm. F. Sanderson, Jr.", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten-day period may bar a de novo determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.